**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

PS – PR&RD – Allegation of non implementation of Hon'ble High Court orders dated 05.10.2021 & 02.12.2021 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 fled by Sri Mundru Subba Rao R/o Nuzendla Mandal, Guntur District and other writ petitioners of Guntur District covered under the batch cases of W.P.Nos.10038/2021 & 26794 respectively - Sri Y.C. Subbaraidu, EE, PRI, Narasaraopeta, Guntur District failed to take action on the orders of Hon'ble High Court and the higher authorities, resulting in Form-I notice issued in C.C.Nos.618, 997, 278, 304, 1054 & 1016 of 2022 - Legal complications – Disciplinary proceedings under Rule 20 of APCS (CC&A) Rules, 1991 – Article of charges – Issued.

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**PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT**

**G.O.Rt.No. 395** **Dated:23 -04-2022**

**Read**

ORDER:

It is proposed to hold an inquiry against Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District in accordance with the procedure laid down in Rule-20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District is informed that an enquiry will be held only in respect those article of charges as are not admitted. He should, therefore, specifcally admit or deny article of charge.

5. Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District is further informed that if he does not submit his written statement of defence on or before the period specifed in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services(Classifcation, Control & Appeal) Rules, 1991 or the orders directions issued in pursuance of the said rules, the competent disciplinary authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District is invited to Rule-24 of the APCS(Conduct)Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside infuence to bear upon any superior authority to further his interest in respect of matter pertaining to his service under the Government. If any

P.T.O

representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of APCS(Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District
(through the Engineer-in-Chief,Panchayat Raj, A.P.,Vijayawada).
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy)

**Copy to:**
The PR & RD(Estt.I) Department.
SF/SC

//FORWARDED::BY::ORDER//

V. Surya Kumar
SECTION OFFICER

**ANNEXURE-I**

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI Y.C. SUBBARAIDU, EE, PRI, NARASARAOPET, GUNTUR DISTRICT.

-:0:-

**CHARGE:**

That Sri Y.C. Subbaraidu, EE, PRI, Narasaraopet, Guntur District has not taken any action to implement the orders of Hon'ble High Court of AP dated 05.10.2021 & 02.12.2021 in in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 fled by Sri Mundru Subba Rao R/o Nuzendla Mandal, Guntur District and other writ petitioners of Guntur District, and failed to take pursuant action thereon, not acted properly for fling Review/Appeal petition before the Hon'ble High Court of AP., on the common orders issued by the Hon'ble High Court of AP dated 05.10.2021 in batch cases of W.P.No.10038/2021 and orders dated 02.12.2021 in batch cases of W.P.No.26794/2021, and shown deliberate negligence for uploading bills, failed to discharging duties properly, failed to pursue the matter with the concerned to resolve the problem arising therein, resulting in severe legal complications arising in issuing Form-I notice in C.C.Nos.618, 997, 278, 304, 1054 & 1016 of 2022 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 to the respondents by the Hon'ble High Court of AP.

Thus, Sri Y.C. Subbaraidu, EE, PRI, Narasaraopeta, Guntur District showed his disobedience of the orders issued by the higher authorities and gross negligence in attending his legitimate duties and acted in contravention of Rule 3 of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

V. Surya Kumar
SECTION OFFICER

## ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI Y.C. SUBBARAIDU, EE, PRI, NARASARAOPETA, GUNTUR DISTRICT.

**Basis:**

1. The Hon'ble High Court of AP in their common orders dated 05.10.2021 & 02.12.2021 in W.P.No.10038/2021 and batch cases and orders dated 02.12.2021 in batch cases of W.P.No.26794/2021, and have passed orders. Under para-69 of the judgment, the Hon'ble High Court held that, "admittedly, the petitioners executed works. They submitted bills. There are no enquiries pending against them. There is no fault on the part of the petitioners. The Central Government had released funds of 75% share. But, the petitioners did not receive payments. As such, the respondents are responsible for the said delay in making payments to the petitioners for which they are legally entitled. Therefore, in our view, it is appropriate and reasonable to compensate the petitioners for the loss caused to them by the State Government". Under para-74 the Hon'ble High Court held that "accordingly, these writ petitions are allowed duly giving certain directions therein.

2. Among the batch cases, the W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 fled by Sri Mundru Subba Rao R/o Nuzendla Mandal, Guntur District and other writ petitioners of Guntur District prayed the Hon'ble High Court to direct the respondents to release the amounts further direction to release balance amounts along with interest to the entire amount to the petitioners.

3. Pursuant to the above orders of Hon'ble High Court, the Government have issued instructions in Memo.No.1530821/RDII/A1/2021, PR &RD (RD-II) Dept., dated 03.11.2021 to the Engineer-in-Chief, PR and other Heads of Departments under the administrative control of PR&RD Department including all the District Collectors duly authorizing them to file Writ Appeals against the common orders of Hon'ble High Court dated 05.10.2021 on behalf of all the respondents.

4. For not implementing the said orders of Hon'ble High Court of AP, the petitioner has approached the Hon'ble High Court for fling C.C.Nos.618, 997, 278, 304, 1054 & 1016 of 2022 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 praying the Hon'ble High Court for disobedience of orders of Hon'ble High Court.

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5. During the course of C.C.Nos.618, 997, 278, 304, 1054 & 1016 of 2022 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021, the Hon'ble High Court have issued Form-I notices to the respondents, thereby leading several legal complications, which shows his disobedience of the orders issued by the Hon'ble Court and higher authorities.

Thus the Government Servant Sri Y.C. Subbaraidu, EE, PRI, Narasaraopeta, Guntur District failed to obey the orders of the Hon'ble Court and higher authorities and gross negligence on his legitimate duties and delayed in implementation of the Hon'ble High Court orders due to which Form-I notice in Contempt Case Nos.618, 997, 278, 304, 1054 & 1016 of 2022 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 has been received from the Hon'ble High Court, leading several legal complications. Thus by the above mentioned acts, he failed to maintain absolute integrity, devotion to the duty and conduct unbecoming of a Government Servant and there by contravened the Rule 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

Hence, the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

V. Suryakumari
SECTION OFFICER

## ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST Sri Y.C. Subbaraidu, EE, PRI, Narasaraopeta, Guntur District ARE PROPOSED TO BE SUSTAINED:

1. High Court of A.P orders dated 05.10.2021 & 02.12.2021 in W.P.Nos.19005, 20435, 15023, 14371, 23677 & 28115/2021 fled by Sri Mundru Subba Rao R/o Nuzendla Mandal, Guntur District and other writ petitioners of Guntur District covered under batch cases in W.P.No.10038/2021 and batch cases in W.P.No.26794/2021.

2. Govt.Memo.No.1530821/RD-II/A1/2021, PR&RD (RD-II) Dept., Dt:03.11.2021.

3. Contempt Case Nos. 618, 997, 278, 304, 1054 & 1016 of 2022 in which Form-I notice issued.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

V. Surya Kumar
SECTION OFFICER

## ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGE AGAINST Sri Y.C. Subbaraidu, EE, PRI, Narasaraopeta, Guntur District IS PROPOSED TO BE SUSTAINED:

-Nil-

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

V. Surya Kumar
SECTION OFFICER